

## AMENDMENT / RESPONSE TRANSMITTAL

Applicant : Gabant et al.  
 App. No. : 10/031,021  
 Filed : March 19, 2002  
 For : NON-HUMAN GENETICALLY  
 MODIFIED MAMMAL LACKING  
 THE ALPHA-FETOPROTEIN  
 Examiner : Nguyen, Dave Trong  
 Art Unit : 1632

## CERTIFICATE OF MAILING

I hereby certify that this correspondence and all marked attachments are being deposited with the United States Postal Service as first-class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on

December 17, 2003

(Date)

*Daniel Hart*  
 Daniel Hart, Reg. No. 40,637

Commissioner for Patents  
 P.O. Box 1450  
 Alexandria, VA 22313-1450

Sir:

Transmitted herewith for filing in the above-identified application are the following enclosures:

- (X) Response to Restriction Requirement in 2 pages.
- (X) The present application qualifies for small entity status under 37 C.F.R. § 1.27.

The fee has been calculated as shown below:

FEE CALCULATION				
FEE TYPE		FEE CODE	CALCULATION	TOTAL
Total Claims	12 - 20 = 0	2202 (\$9)	0 x 9 =	\$0
Independent Claims	5 - 5 = 0	2201 (\$43)	0 x 43 =	\$0
Multiple Claim		2203 (\$145)		\$0
			<b>TOTAL FEE DUE</b>	<b>\$0</b>

- (X) Return prepaid postcard.
- (X) Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

*Daniel Hart*  
 Daniel Hart  
 Registration No. 40,637  
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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

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For	: NON-HUMAN GENETICALLY MODIFIED MAMMAL LACKING THE ALPHA-FETOPROTEIN
Examiner	: Nguyen, Dave Trong
Group Art Unit	: 1632

**RESPONSE TO RESTRICTION REQUIREMENT**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

In response to the Restriction Requirement mailed November 19, 2003 in the above-identified application, Applicant responds as follows:

Restriction to one of the following groups was required under 35 USC 121:

Group I: Claims 1-6, 7, 10, drawn to a non-human genetically modified mammal comprising a mutation, a partial deletion or a total deletion in the genetic sequence encoding the wild type alpha-fetoprotein (AFP), classifiable in class 800, subclass 2.

Group II: Claims 9 and 13, drawn to a pluripotential embryonic stem cell comprising a mutation, a partial deletion or a total deletion in the genetic sequence encoding the wild type alpha-fetoprotein (AFP), classifiable in class 435, subclass 325.

Group III: Claims 11 and 12, drawn to a composition comprising alpha-fetoprotein or a portion thereof fixed to a solid surface, classifiable in class 530, subclass 350, and drawn to an assay of employing a protein assay for identifying a molecule that is able to bind to AFP, classifiable in class 435, subclass 7.1.

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In response to the restriction requirement, Applicant elects Group 1, that is, Claims 1-6, 7, and 10, drawn to a non-human genetically modified mammal comprising a mutation, a partial deletion or a total deletion in the genetic sequence encoding the wild type alpha-fetoprotein (AFP).

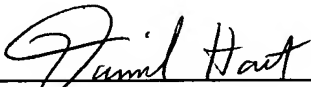
#### CONCLUSION

In view of the foregoing, Applicant respectfully requests that this amendment be entered prior to examination of this application. If any points remain that can be resolved by telephone, the Examiner is invited to contact the undersigned at the below-given telephone number.

Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated: Dec. 17, 2003

By:   
Daniel Hart  
Registration No. 40,637  
Attorney of Record  
Customer No. 20,995  
(619) 235-8550

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